

Because this is a matter that is being actively litigated in the courts and may come before the court, if I am confirmed, I don't think it would be appropriate generally to answer that question.

In fact, it is very appropriate generally to answer the question. What is inappropriate would be to answer that question relative to a specific set of facts that are pending before a court or might come before a court if Mr. Estrada is confirmed.

Senator KOHL asked:

In light of growing evidence that a substantial number of innocent people have been sentenced to the death penalty, does that provide support in your mind for the two Federal district court judges who have recently struck down the death penalty as unconstitutional?

Answer:

I am not familiar with the cases, Senator, but I think it would not be appropriate for me to offer a view on these types of issues which are currently coming in front of the court and may come before me as a judge.

Not even offer a view on these types of issues—not on the specific issues in the cases referred to by Senator KOHL, but these types of issues.

Senator KOHL says:

To what extent should a judge be required to balance the public's right to know against the litigant's right to privacy when the information sought could be sealed and could keep secret a public health and safety hazard?

Mr. Estrada:

Senator, there is a long line of authority in the DC Circuit, as it happens, dealing with public access in cases that are usually brought to gain access to Government records by news organizations, and those cases, as I recall—I haven't looked at them in some time—do recognize a common law right of access to public records, which must be balanced against the interest of the governmental actor that is asserting the need for confidentiality. I am not aware of any case, though there may be some that dealt with this issue in the context that you've outlined, but I would hesitate to say more than that because I don't know how likely it is that that very issue that you have just outlined would come before me in the DC Circuit if I were fortunate enough to be confirmed.

So now if he believes there are cases that might come before the DC Circuit, he says: I am not going to comment even in general on the subject matter of those cases. But where he doesn't know whether or not issues are coming before the DC Circuit, he says: I am not going to comment on that either. Again, he said: I hesitate to say more than that because I don't know how likely it is that that very issue that you have outlined would come before me in the DC Circuit if I am confirmed.

Either way, he is not going to give us an opinion. Other nominees have provided information of the type that Mr. Estrada will not give us. We have the circumstance—for instance, there are multiple cases where the Justice Department cooperated with past requests of the Judiciary Committee. The Senate requested past Justice Departments to provide this type of memoranda, such as memoranda relat-

ing to appeals written by Department attorneys, including the memoranda of William Bradford Reynolds, nominated for Associate Attorney General; Benjamin Civiletti, nominated for Attorney General. Steven Trott, nominated for the Ninth Circuit; and William Rehnquist, when he was nominated for Chief Justice, among others.

The current Bush administration, in fact, provided the Senate with legal memoranda, which Jeffrey Holmstead wrote—an attorney with the White House counsel's office—when there was an inquiry during the consideration of his nomination to be Assistant Administrator to the EPA. So these requests are not unprecedented.

The key is, will Mr. Estrada ask the administration to release the documents? That would give this Senate an opportunity to get his ideas about basic constitutional issues. He is not obligated to request the Justice Department to provide this information. We should be clear on that. There is no obligation on the part of Mr. Estrada to request the Justice Department to provide the information that I have discussed, but his refusal to do so comes at risk to his nomination.

We are not obligated to vote for someone who is not willing to ask the Justice Department to provide information that will give us the opportunity to get a better feel for where a nominee is on some basic, fundamental constitutional issues.

Justice Rehnquist said the following in a 1972 case:

Since most Justices come to this bench no earlier than their middle years, it would be unusual if they had not by that time formulated at least some tentative notions that would influence them in their interpretation of the sweeping clauses of the Constitution and their interaction with one another. It would be not merely unusual, but extraordinary if they had not at least given opinions as to constitutional issues in their previous legal careers.

I agree with Justice Rehnquist. Apparently, Mr. Estrada does not.

When asked by Senator SCHUMER at the Judiciary Committee hearing to name three cases of which he was critical in the last 40 years of Supreme Court jurisprudence, Mr. Estrada said he was "not sure that I could think of three that I would be—that I would have a sort of adverse reaction to."

As we have heard from Senator SCHUMER, other nominees have been more than willing to state where they have not been in agreement with Supreme Court opinions. Yet this nominee is not willing to give us even one Supreme Court opinion in the last 40 years where he would "have a sort of adverse reaction," to use his words.

He was asked by Senator DURBIN to name judges, living or dead, whom he admired and would emulate on the bench.

He answered:

There is no judge, living or dead, whom I would seek to emulate on the bench, whether in terms of judicial philosophy or otherwise.

Finally, after one particularly unhelpful exchange, Senator KOHL seemed to sum up the feeling of many members of the committee when he told Mr. Estrada:

With all due respect to your answer, I am trying to know more about you, and I am not sure I am.

That sort of sums it up. With all due respect, we are trying to know more about you, and we are not sure we are able to.

Mr. Estrada's failure to provide members of the Judiciary Committee with answers to even the most basic questions on his view of the law is deeply troubling. We don't have writings. There are none. That is not his fault. It does not disqualify him, but there are none. We don't have opinions. That is not his fault. He has never been a judge. There are none. But what is his decision? It is not to ask the administration for documents which he wrote that would give us some answers as to whether or not we are in agreement with his fundamental legal philosophy.

His tactic of refusing to answer questions could become a standard method of operation for future nominees, to the detriment of both the nominating process and the frustration of the Senate's advice and consent duty, if we accept the standard he is setting forth by his refusal.

Mr. Estrada and the administration had the opportunity to make the case for confirmation. The administration chose not to provide information for Senators to properly evaluate his nomination. Mr. Estrada chose to remain silent on key questions despite opportunities to clarify his views.

Mr. President, I understand from a signal from the Parliamentarian that we are supposed to stop at this time.

The PRESIDING OFFICER. Under the previous order, the Senate is scheduled to consider en bloc several nominations at 5 o'clock.

Mr. LEVIN. I will finish with other views of Mr. Estrada at another time. I yield the floor.

NOMINATIONS OF JOHN R. ADAMS TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO; S. JAMES OTERO TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA; AND ROBERT A. JUNELL TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS

The PRESIDING OFFICER. Under the previous order, the Senate will now consider en bloc the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of John R. Adams, of Ohio, to be United States District Judge for the Northern District of Ohio; S. James Otero, of California, to be United States District Judge for the Central District of California; and Robert A. Junell, of Texas, to be United States District Judge for the Western District of Texas.

The PRESIDING OFFICER. Under the previous order, there are 15 minutes equally divided for debate on the nominations.

The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator ENZI of Wyoming be recognized for up to 10 minutes immediately following the final vote in the series of votes at 5:15 p.m. to speak on the Estrada nomination and that Senator FEINGOLD be accorded at least 10 minutes immediately following Senator ENZI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, parliamentary inquiry. Am I correct, while there is time divided between the distinguished chairman and myself prior to these votes, there will be three separate votes, and have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. LEAHY. I ask unanimous consent that it be in order to request the yeas and nays on all three nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays on all three nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask my dear friend if it is possible to vote on all three en bloc, with one vote being considered three separate votes?

Mr. LEAHY. Mr. President, in answer to that question, to accommodate a number of Senators on the distinguished chairman's side of the aisle, at the time I was chairman, I tried doing that once, and the objection was so vociferous from both sides that I said I was never going to try that again. I would have no objection. I have tried to do that. I have been told there are many who feel that would be inappropriate, so we will not be able to do it.

Mr. HATCH. I withdraw the request.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, these are three excellent district court nominees. They deserve to be confirmed, as I think all of President Bush's nominees deserve to be confirmed. I recommend every Senator vote for each of these three nominees. I hope we can get other nominees to the floor as soon as possible as well.

I thank my colleagues on the other side for being willing to move to these three nominees last week in our markup and to allow them to be brought up this early. I believe we will all be pleased we can vote for such excellent nominees. I hope we can move all the other judgeship nominees this President has nominated as quickly as possible.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Vermont.

Mr. LEAHY. Madam President, we will vote on three judges. Let me mention them briefly.

Mr. HATCH. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. HATCH. I reserve the remainder of my time. I may have a few people who wish to speak. I thank the Senator.

Mr. LEAHY. Madam President, today the Senate will vote on the confirmation of John Adams to the United States District Court for the Northern District of Ohio. Judge Adams, incidentally, is named to replace Judge George Washington White, so we have the historical circumstance of another John Adams following another George Washington.

Judge Adams has had an admirable career as an attorney and a judge. He has worked in private practice and served as a prosecutor. He has handled civil matters as well as criminal, and he has devoted a significant amount of time to issues beyond his law practice. As a judge, Mr. Adams has been a member of the Summit County Civil Justice Commission, whose goal is to institute reforms in the administration of civil justice in Summit County, and the Summit County Criminal Justice Coordination Council, whose goal is to make recommendations and oversee the operations of the criminal justice system and corrections in Summit County. He is also involved in the Ohio Community Corrections Organization, which tries to work together to develop, improve, expand, and promote adult and juvenile community corrections by bringing judges, prosecutors, defense attorneys, law enforcement officials, treatment providers and other parties together to work toward common goals of community intervention for offenders.

Judge Adams has been involved in a number of other charitable, civic and professional organizations. He is a life member of the NAACP. He has also served as a member of, among others, the following organizations: the Summit County Mental Health Association, part of a network of professionals and volunteers committed to improving America's mental health and seeking victory over mental illness. His is the sort of solid record of accomplishments, and not ideology, that the President should try and seek out in his future federal court nominees.

I congratulate Judge Adams and his family and friends on his confirmation.

Today the Senate will also vote on the confirmation of Robert Junell, nominated to the U.S. District Court for the Western District of Texas. His will be the eighth of President Bush's district court judges confirmed to serve in the State of Texas. Seven of those judges were given hearings and votes during the 17 months I served as chairman of the Judiciary Committee. That was nearly one judge for Texas every other month, in addition to the four

United States Attorneys and three United States Marshals who were reviewed and confirmed in that period of time.

This is in great contrast to the fate of many of President Clinton's nominees from Texas, who were blocked and delayed by the Republican majority, including Enrique Moreno, nominated to the Fifth Circuit Court of Appeals who never got a hearing, never got a vote; Jorge Rangel, nominated to the Fifth Circuit Court of Appeals who never got a hearing, never got a vote, and; Hilda Tagle to the District Court, whose confirmation was delayed nearly two years for no good reason.

So I am glad to see another judge appointed to the Texas bench, and am confident he will serve with more distinction than at least one of his future colleagues, Judge Ron Clark. Judge Clark, a personal friend of the President's was among the judges we confirmed last year to a district court seat in Texas. Judge Clark's commission was not immediately forthcoming from the White House. We learned that Mr. Clark was quoted as saying that he had asked the White House to delay signing his commission while he ran for political office as a Republican so that he could help Republicans keep a majority in the Texas State House until the end of the session in mid-2003. The White House was apparently complicit in these unethical partisan actions by a person confirmed to the federal bench. Clark, who was confirmed to a seat on the federal district court in Texas, was actively campaigning for election despite his confirmation.

These actions brought discredit to the court to which Mr. Clark was nominated by the President and confirmed by the Senate, and call into question Judge Clark's ability to put aside his partisan roots and be an impartial adjudicator of cases. Even in his answers under oath to this Committee, he swore that if he were "confirmed" he would follow the ethical rules. Canon 1 of the Code of Conduct for United States Judges explicitly provides that the Code applies to "judges and nominees for judicial office" and Canon 7 provides quite clearly that partisan political activity is contrary to ethical rules. In his answers to me, Mr. Clark promised "[s]hould I be confirmed as a judge, my role will be different than that of a legislator." Yet, even after his confirmation he was flaunting the promises he made to me, to the Senate Judiciary Committee and to the Senate as a whole. That the White House was prepared to go along with these shenanigans reveals quite clearly the political way they approach judicial nominations.

Only after the New York Times reported these unseemly actions, did the President sign Judge Clark's appointment papers. Judge Clark then announced that he would stop "campaigning", but he insisted on reminding State voters that they still had a choice in the election in November. His

name remained on the ballot. And indeed, he was elected to his old seat in the Texas Legislature.

I trust that Mr. Junell, who comes highly recommended by Representative Charlie Stenholm of Texas, and who has also been a member of the Texas House of Representatives, has a better understanding of the proper role of a Federal judge than did Mr. Clark, and will serve the people of the Western District of Texas with distinction. Mr. Junell has certainly worked hard during his varied career as a litigator and a politician to help numerous disadvantaged individuals. A life member of the NAACP, Mr. Junell is also a former member of the board of directors of the La Esperanza clinic.

I congratulate the nominee and his family on his confirmation.

With today's confirmation of Judge S. James Otero to be a United States District Judge for the Central District of California, the Senate is filling a vacancy that by all rights could have been filled years ago. Judge Otero, now serving on the Los Angeles Superior Court, will be filling a seat left open on the elevation of Judge Richard Paez to the Ninth Circuit Court of Appeals in 2000. Judge Paez, of course, was nominated to that vacancy on the appellate court more than 4 years before he was confirmed.

Judge Otero's nomination is a good example of the kinds of bi-partisan candidates the President ought to be sending the Senate. He comes to us after being unanimously approved by California's bipartisan Judicial Advisory Committee—a committee established through an agreement Senator FEINSTEIN and Senator BOXER reached with the White House. This committee works to take the politics out of judicial nominations. It reviews qualified, consensus nominees who will serve on the Federal judiciary with distinction. Too often in the last 2 years we have seen the recommendations of such bi-partisan panels rejected or stalled at the White House. Instead, they should be honored and encouraged.

I note that Judge Otero has contributed strongly to his community, working with and on behalf of Latinos nationally and in California. He has worked on a pro bono project for the Mexican Legal Defense and Education Fund, and served as a member of the Mexican Bar Association, the Stanford Chicano Alumni Association, and the California Latino Judges Association, among others. This stands in stark contrast to a nominee such as Miguel Estrada, whose nomination has dominated debate today. Judge Otero has taken many opportunities to help Hispanics and all Californians.

During the 17 months I was chairman of the Judiciary Committee, I worked hard to ensure that Hispanics were confirmed to the Federal bench, and I am proud of that record. Many Hispanics nominated by President Clinton were blocked or delayed by the Republican majority, and I did not want to

see that repeated. Fine nominees such as Jorge Rangel, Enrique Moreno and Ricardo Morado were never given hearings. Others, including Judge Richard Paez, Judge Sonia Sotomayor, and Judge Hilda Tagle, were stalled for no good reason. I am proud that did not happen on my watch, I am glad to say that we quickly considered and confirmed nominees such as Christina Armijo to the District Court in New Mexico, Philip Martinez to the District Court in Texas, Jose Martinez to the District Court in Florida, Alia Ludlum to the District Court in Texas, and Jose Linares to the District Court in New Jersey.

I congratulate Judge Otero and his family on his confirmation and the people of California on a fine Federal judge to fill the seat of such Judge Richard Paez in the Central District.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield such time as she may consume to Senator HUTCHISON from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, how many minutes remain for Senator HATCH?

The PRESIDING OFFICER. There are 5 minutes remaining.

Mrs. HUTCHISON. I ask the Presiding Officer to notify me at 3 minutes.

Madam President, I am very pleased to speak on behalf of someone who I really know well and have a great deal of confidence in, and that is State Representative Rob Junell. Rob is being nominated, and hopefully confirmed today, to be the U.S. district judge for the Western District of Texas. He will reside in Midland.

This is a very important court. It has been designated as a judicial emergency by the Judicial Conference of the United States.

Rob is a native of West Texas and is currently of counsel to a San Angelo law firm. He served seven terms in the Texas legislature where he was chairman of the Appropriations and Budget Committees. I worked with him to try to make sure Texas had a limitation on State debt, and it was because of Robert Junell's absolute insistence we pass this legislation that we were able to do it in one session, and it has served my State of Texas well to have a limit on State debt. Rob Junell deserves credit for that.

Rob Junell earned a degree from the New Mexico Military Institute and from Texas Tech University. He also graduated from the University of Arkansas with a master's degree in political science and a law degree with honors from Texas Tech Law School.

Rob Junell has been a leader in the State of Texas. I have worked with him in many ways. I think he is one of the smartest people with whom I have ever worked. He also took time to be a part of his community of San Angelo. He served on the boards of the United Way

of Concho Valley and the San Angelo AIDS Foundation. He is a lifetime member of the NAACP. He meets the high standards we set for Federal judges. I know he is going to be a really terrific Federal judge, because he knows the law and he knows what is fair. He has that sense about him of what is right and what is not. He also knows the place of a judge. Having been a legislator, he knows it is the elected representatives who should make law, not judges with lifetime appointments. So he will change his course now from being a legislator, elected by the people, and making very important laws for my State of Texas, to becoming a judge and interpreting those laws and trying to see what the legislature meant.

It is my honor to speak on behalf of Rob Junell and recommend him to my colleagues in the Senate for confirmation.

I thank the chairman, Senator HATCH, and the ranking member, Senator LEAHY, for acting expeditiously on this nomination, and I especially thank Senator HATCH for reserving time for me.

I yield the floor.

Mr. DEWINE. Mr. President, I rise today in support of the nomination of Judge John Adams. Judge Adams, from Akron, has been nominated to be U.S. District Judge for the Northern District of Ohio. He currently serves as a Judge on the Court of Common Pleas in Summit County, Ohio.

Judge Adams is a 1978 graduate of Bowling Green State University, where he earned a Bachelor of Science degree in Education. In 1983, he received his law degree from the University of Akron School of Law. While a law student at Akron, Judge Adams clerked for Judge W.F. Spicer with the Summit County Court of Common Pleas.

Following this clerkship, Judge Adams spent 5 years in private practice with the law firm of Germano, Rony, Ciccolini Co., and during this time, also served as Assistant Summit County Prosecutor. In 1989, Judge Adams returned to private practice as an associate and then a partner at the firm of Kauffman & Kauffman in Akron.

Since 1999, Judge Adams has served as a Judge on the Court of Common Pleas for Summit County. In this position, Judge Adams has demonstrated that he is an intelligent, hard working, and dedicated jurist. He is well respected, both inside the courtroom and out, and exhibits an excellent judicial temperament. He has shown that he has what it takes to be an excellent District Court Judge.

In endorsing his re-election effort last November, the Akron Beacon Journal stated that Judge Adams "has the potential to be a distinguished federal judge, building on the record of fairness and thoughtfulness that has marked his three years on the county bench." I agree completely with that sentiment.

Judge Adams' accomplishments are indeed impressive, and I am pleased

that the Senate is voting on his nomination today. I urge my colleagues to join me in voting to confirm Judge Adams.

Mr. HATCH. Madam President, I am pleased that we have three excellent district court nominees on the floor this evening, John Adams for the Northern District of Ohio, Robert Junell for the Western District of Texas, and Judge Samuel Otero for the Central District of California. They have been nominated to fill seats considered judicial emergencies by the U.S. Judicial Conference, so our action today is especially important. I support all of them without any reservation, and I ask my colleagues to join me in confirming their nominations. Let me say a few words about each nominee.

John Adams, Jr., our nominee to the U.S. District Court for the Northern District of Ohio, has extensive experience in both the private and public sectors of the legal community. Judge Adams has 15 years of experience in private practice, and he served for 3 years as an assistant county prosecutor at the Summit County Prosecutor's Office. Since 1999, Judge Adams has served on the Court of Common Pleas for Summit County.

Robert A. Junell, nominated to the U.S. District Court for the Western District of Texas, has distinguished himself both as an advocate and a legislator. Mr. Junell has over 25 years of civil litigation experience, with a specialty in personal injury law, and he has served as a member of the Texas House of Representatives since 1988.

Our third nominee, Judge Samuel Otero, who has been nominated for the Central District of California, served as a Los Angeles deputy city attorney for 10 years, handling approximately 130 superior court and municipal court cases during his tenure. Since being nominated to the California bench in 1988, Judge Otero has served on both the Los Angeles Superior and Municipal Courts.

I am confident that all three nominees will serve with honor and distinction. I compliment the President for putting their nominations forward and I look forward to their confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know the time is running, but I ask the distinguished Senator from Utah if he would ask the majority leader if we could have 10-minute votes after this first vote which is 15 minutes.

Mr. HATCH. I ask unanimous consent that after the first vote, the two remaining votes be no longer than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of John Adams, of Ohio, to be United States district judge for the Northern District of Ohio.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll. Mr. FRIST. I announce that the Senator from Kentucky (Mr. McCONNELL) and the Senator from Texas (Mr. CORNYN) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. DURBIN), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. CORZINE), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), and the Senator from Massachusetts (Mr. KERRY) would each vote "aye".

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 31 Ex.]

YEAS—91

Akaka	Dole	Lugar
Alexander	Domenici	McCain
Allard	Dorgan	Mikulski
Allen	Edwards	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Bingaman	Feinstein	Nickles
Bond	Fitzgerald	Pryor
Boxer	Frist	Reed
Breaux	Graham (SC)	Reid
Brownback	Grassley	Roberts
Bunning	Gregg	Rockefeller
Burns	Hagel	Santorum
Byrd	Harkin	Sarbanes
Campbell	Hatch	Schumer
Cantwell	Hollings	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith
Chambliss	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Coleman	Kennedy	Kohl
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Leahy	Thomas
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wyden
Dodd	Lott	

NOT VOTING—9

Biden	Durbin	Lautenberg
Cornyn	Graham (FL)	McConnell
Corzine	Kerry	Miller

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. TALENT). The question is, Will the Senate advise and consent to the nomination of S. James Otero, of California, to be United States District Judge for the Central District of California? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. McCONNELL) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the

Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), the Senator from Florida (Mr. GRAHAM), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), and the Senator from Massachusetts (Mr. KERRY) would each vote "aye".

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 32 Ex.]

YEAS—94

Akaka	Dole	Lugar
Alexander	Domenici	McCain
Allard	Dorgan	Mikulski
Allen	Edwards	Miller
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Fitzgerald	Nickles
Boxer	Frist	Pryor
Breaux	Graham (SC)	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Smith
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Craig	Lautenberg	Thomas
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lieberman	Wyden
DeWine	Lincoln	
Dodd	Lott	

NOT VOTING—6

Biden	Durbin	Kerry
Corzine	Graham (FL)	McConnell

The nomination was confirmed.

Mr. SCHUMER. Mr. President, I move to reconsider the vote.

Mr. THOMAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Robert A. Junell, of Texas, to be United States District Judge for the Western District of Texas? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Mississippi (Mr. LOTT), the Senator from Kentucky (Mr. McCONNELL), and the Senator from Oklahoma (Mr. NICKLES) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), the Senator from Florida (Mr. GRAHAM), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware

(Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Illinois (Mr. DURBIN), and the Senator from Massachusetts (Mr. KERRY) would each vote aye.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 33 Ex.]

YEAS—91

Akaka	Dodd	Lugar
Alexander	Dole	McCain
Allard	Domenici	Mikulski
Allen	Dorgan	Miller
Baucus	Edwards	Murkowski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Pryor
Boxer	Fitzgerald	Reed
Breaux	Frist	Reid
Brownback	Graham (SC)	Roberts
Bunning	Grassley	Rockefeller
Burns	Gregg	Santorum
Byrd	Hagel	Sarbanes
Campbell	Harkin	Schumer
Cantwell	Hatch	Sessions
Carper	Hollings	Shelby
Chafee	Hutchison	Smith
Chambliss	Inhofe	Snowe
Clinton	Inouye	Specter
Cochran	Johnson	Stabenow
Coleman	Kennedy	Stevens
Collins	Kohl	Sununu
Conrad	Kyl	Talent
Cornyn	Landrieu	Thomas
Craig	Lautenberg	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
Dayton	Lieberman	
DeWine	Lincoln	

NOT VOTING—9

Biden	Graham (FL)	Lott
Corzine	Jeffords	McConnell
Durbin	Kerry	Nickles

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action on the three nominations.

The Senator from Utah.

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Continued

Mr. HATCH. Mr. President, I ask unanimous consent that on Tuesday there be an additional 6 hours for debate on the Estrada nomination; provided further, that the time be equally divided between the chairman and the ranking member, or their designees; and that following the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, we have had a robust debate on the nomination. I still remain very hopeful that we will reach a consent to have a vote on the nomination after some further reasonable period of time. I hope our colleagues on the other side will permit a vote on Miguel Estrada. I think it is the right thing to do.

Mr. REID. Will the Senator from Utah yield?

Mr. HATCH. I will be happy to yield.

Mr. REID. Mr. President, I agree with the Senator. I think the debate has been very constructive today. The chairman of the committee and this Senator spoke with the majority leader today, and we expect some more debate tomorrow. The two leaders will speak tomorrow after the caucuses.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized for 10 minutes.

Mr. REID. Mr. President, while the Senator is in the Chamber, it is my understanding that Senator ENZI is going to speak for a period of 10 minutes and the Senator from Wisconsin will speak for up to 12 minutes. I am wondering if there are any other speeches. We have an important conference committee that starts at 6:30 tonight.

Mr. HATCH. I know of no other speeches.

Mr. REID. I do not think we have anyone on our side.

Mr. HATCH. Mr. President, I ask unanimous consent that these be the last speeches.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to support the nomination of Miguel Estrada to the U.S. Court of Appeals for the Washington, DC, Circuit. We have a great need in our Nation for qualified judges who have the patience, perseverance, and integrity to ensure that the United States continues to be a nation that is ruled by law and not by uncontrolled emotion; by reason and not by political expediency.

I am confident that Mr. Estrada is that kind of man and will be that kind of judge. There is no question that Mr. Estrada is qualified. He has proven himself through his education. He has proven himself through his work experience. And he has proven himself through his own perseverance, for he has been forced to wait for almost 2 years—2 years—for the Senate to consider this nomination. He has done this with the kind of patience and integrity that befits a U.S. Federal judge.

We often talk about the ideal in our debates in the Senate. We hold up a picture of what things should look like and how things should be done in the hope that someday we can move our Nation forward to the point where the ideal is more than a dream, but is instead a reality.

One of those ideals that has been presented is a world where our judges and our courts are more representative of America. Our courts have been accused of being elitist. The Bush administration has been working hard to change that image by making sure our judges are more diverse. By confirming Miguel Estrada to the DC Circuit Court of Appeals, we will, for the first time, have a Hispanic judge in the DC Circuit. But I can tell you, Mr. Estrada was not nominated just because he is Hispanic. He was nominated because he graduated magna cum laude and Phi

Beta Kappa with a bachelor's degree from Columbia University in 1993. He was nominated because he also graduated magna cum laude from Harvard Law School in 1986 where he was also editor of the Law Review. He served as a law clerk for Supreme Court Justice Anthony Kennedy, as a Federal prosecutor in New York, and as an Assistant Solicitor General for both the Bush and Clinton administrations, and as the leading appellate lawyer at a national law firm. Altogether, he has argued 15 cases before the Supreme Court, including one case in which he represented a death row inmate pro bono.

One will have to search long and hard to find anyone anywhere more qualified for a position on the DC Circuit Court of Appeals, and yet in spite of all of his qualifications and personal integrity, Mr. Estrada has had to wait almost 2 years for the Senate to complete his nomination.

Why? I must say that as far as I can tell, his confirmation has been delayed for reasons that have absolutely nothing to do with his qualifications or integrity as a judge. Instead, they have everything to do with partisan politics and partisan bickering.

What is most tragic about this situation is that these delays have not come without a cost. There are victims in this situation who have been denied their rights to a fair and impartial judicial process because there are not enough judges to hear their appeals. The real victims of these delays are not Mr. Estrada or the Bush administration or even the Republican Party. No. The real victims are the people whose rights have been set aside by partisan bickering and whose appeals are forced to wait because we do not have enough judges.

There is a saying: Justice delayed is justice denied. There are those in Washington who are willing to deny justice by making people with very real needs and very real issues wait while they try to score a few points in this game of politics. They force people seeking justice to drag out their court costs, their attorney's fees, their restitution and damage payments, all because they want to get one up on the other party.

We have a crisis in our courts that we can solve. Mr. Estrada is part of that solution. He was given the highest possible rating of unanimously well qualified by the American Bar Association. He has similar, if not more, experience than five of the eight judges currently serving in the DC Circuit. He has been praised by his colleagues as having those attributes most sought for in a judge; namely, brilliance, compassion, fairness, and a respect for precedence.

It is not only my opinion that is changing. I picked up a copy of Roll Call today and found a full-page ad by the Latino Coalition, which is a little bit upset over the delay in getting this nomination approved. They say the